

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/539,655 Confirmation No.: 2921
Applicant : John Ashton Sinclair et al.
Filed : June 14, 2005
Art Unit : 2833
Examiner : Travis Chambers
Title : ELONGATED ELECTRICAL CONDUCTOR THT IS ADAPTED FOR
ELECTRICALLY CONNECTING WITH AN ELECTRICAL CONTACT

Docket No.: : 123-003 December 1, 2008
Customer No. : 47533

**RENEWED PETITION UNDER 37 CFR §1.47(a) AND 37 CFR § 1.64
REGARDING NON-SIGNING INVENTOR**

I. BACKGROUND

1. On July 14, 2008, Applicant submitted a Petition Under 37 CFR § 1.47 and 37 CFR § 1.64 Regarding Non-Signing Inventor ("the original Petition").
2. On Nov. 13, 2008, the PTO issued a Decision on Petition, rejecting the original Petition as failing to demonstrate that a complete copy of the application had been sent to the non-signing inventor, John Ashton Sinclair, and that Mr. Sinclair refused to sign the inventor's Oath or Declaration.

II. RENEWED PETITION

3. As set forth in the accompanying papers, John Ashton Sinclair, Jaroslav Emil Haba, Kevin Truskett, and Jeffrey Allan Wilson are co-inventors of the above-identified application.
4. The inventor's declaration signed by Messrs. Haba, Truskeet, was submitted with the original Petition.
5. As set forth in greater detail in the accompanying declaration of Matthew Ward dated December 1, 2008, and as pointed out in detail below, Mr. Sinclair refuses to sign the application.

A. THE NON-SIGNING INVENTOR RECEIVED A COPY OF THE APPLICATION

6. Mr. Ward's declaration submitted herewith contains additional communications not included within the original Petition, between his law firm and Mr. Sinclair, demonstrating that Mr. Sinclair received both a draft copy of the application (see ¶ 3 and Exhibit 1), as well as a final copy of the application incorporating Mr. Sinclair's comments (see ¶¶ 5 and 6, and Exhibits 2 and 3).

B. THE NON-SIGNING INVENTOR REFUSES TO SIGN

7. Mr. Ward's declaration further contains additional communications not included within the original Petition, between his law firm and Mr. Sinclair, demonstrating that Mr. Sinclair effectively refuses to sign the Declaration (see ¶¶ 7-11 and Exhibits 4-8). The emails demonstrate that, in the face of at least four requests that Mr. Sinclair sign the formal documents (Exhibits 4, 5, 7, and 8), Mr. Sinclair responded with: evasions; accusations of patent theft (Exhibit 4), product theft (Exhibit 4), patent attorney theft (Exhibits 4 and 6), fraud (Exhibit 4 and 6) and lies (Exhibits 4 and 6); name calling ("cowards," "McDipshit," "low life people", "no different to [sic] a child molester they are the lowest form of human bean [sic]," all Exhibit 4); requests for the names and telephone numbers of the directors of the corporation (Exhibit 5); requests for "negotiations" (see Exhibit 8); and veiled demands for additional compensation ("Just how critical is it that I sign these documents . . . will I see anything from it?", Exhibit 4).

8. In the final Exhibit (Exhibit 8), Mr. Ward asked Mr. Sinclair via email to confirm that, "Can I summarize [your] position as follows? . . . You are not prepared to sign the declaration," to which Mr. Sinclair responded, "Thanks again Mattew [sic] I'd say that summarise [sic] it Regards John".

9. The undersigned respectfully submits that the Declaration of Mr. Ward and the attached exhibits demonstrate that Mr. Sinclair, for all intents and purposes, refuses to sign the declaration without additional compensation, and that such refusal constitutes refusal to sign the declaration.

III. OTHER RENEWED INFORMATION; PETITION FEE

10. As previously stated in the original Petition, the last known address for the non-signing inventor is:

John Ashton Sinclair
Lot 1731 Comboyne
Killback via Wingham, New South Wales 2429
Australia

11. The petition fee of \$200 under 37 CFR 1.47/1.17(g), as well as the fee of \$65 (small entity) fee for filing a declaration late, was previously submitted with the original Petition.

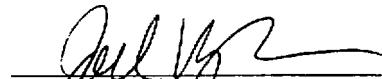
WHEREFORE Applicant prays pursuant to 37 CFR §1.47 that that the application be allowed to proceed without the signature of the non-signing inventor.

Respectfully submitted,

INTELLECTUAL PROPERTY LAW OFFICE OF
JOEL D. VOELZKE

DATED: December 1, 2008

By:



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